

Planning Committee

9 July 2019

County Matter Waste Application

Proposed Inert Waste Recycling Facility, with new building, hardstanding, car parking, boundary treatment and re-aligned access to the agricultural unit. Includes variation to approved site landscaping and use of internal spaces within the existing Materials Recovery Facility

Envirowaste (Southern) Limited, Burndell Road, Yapton, West Sussex, BN18 0HR

Application No: WSCC/037/19

Report by Head of Planning Services

Local Member: Jacky Pendleton

District: Arun

Executive Summary

This report concerns a planning application to construct an additional materials recycling building at an existing waste management site at Northwood Farm, Yapton. The proposal seeks to regularise the use of the existing materials recycling facility, alter the layout and boundary arrangement, and redesign the access. The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework from national to local level, along with other material considerations.

Yapton and Clymping Parish Councils object to the proposal, as does the local member. The main concerns relate to potential impacts on residential amenity (through potential noise and dust emissions from the site and vehicles), highway capacity and safety, the location of the site outside of any built up area, and the lack of information to demonstrate that no better alternative sites are available. No other consultees have raised objections subject to the imposition of suitable conditions.

Representations have been received from 166 people, 164 of which object to the proposal raising concerns about noise and dust emissions, increased traffic and pollution along Burndell Road, and loss of greenfield land in the countryside.

Consideration of Key Issues

The main material planning considerations are whether the proposal:

- meets an identified need;
- is suitably located;
- has an acceptable impact on the landscape and visual amenity;
- has an acceptable impact on highway capacity and road safety; and
- has an acceptable impact on residential amenity.

Need for the Development

The proposal is considered to meet an identified need for inert waste recycling capacity because it will to replace some of the capacity lost due to the closure of the facility at Portfield Quarry in Chichester.

Site Location

The proposed development would replace the loss of inert recycling capacity from Portfield Quarry in Chichester, thereby meeting an identified need for a facility. While the development would extend development into land identified as being in the open countryside, it would be a relatively small intrusion, immediately adjacent to an existing waste site, on land which is already severed from the surrounding agricultural land. The location is therefore considered acceptable, and the capacity provided would meet an identified need.

Landscape and Visual Amenity

The proposed materials recycling building has the potential for impact upon the surrounding landscape and the visual amenity of surrounding residents and visitors. However, given the siting of the structure among industrial buildings of a similar scale, and its distance from surrounding dwellings and public viewing points, it is not considered it would have an unacceptable impact on the visual amenity of the surrounding area or the wider landscape. Other features proposed on the site would be small in scale with limited impact beyond the site.

Highway Capacity and Road Safety

The proposed development would increase the average number of HGVs travelling to/from the site each day by six (12 HGV movements/day), so the overall number of HGVs travelling to/from the site would, on average, be 22 (44 HGV movements/day). It is not considered that this increase would result in a 'severe' residual impact on the highway network or an unacceptable impact on highway safety. Furthermore, the relocation of the inert processing site would reduce overall vehicle movements on the network.

Residential Amenity

The scheme has the potential to result in impacts on residential amenity, primarily through the emissions of dust and noise. Dust emissions would be controlled primarily by enclosing operations within the building, and through operational controls such as the closing of doors during crushing, and the use of a dust suppression system to be secured through the imposition of a condition requiring a dust suppression scheme. It is considered that these measures, along with the controls through the Environmental Permit, would ensure that the dust is contained within the site. Noise levels for the closest affected properties would increase by only 1dB on average and so would not be perceptible. This is subject to the implementation of attenuation measures included within the design of the material recycling facility, the site layout and boundary treatment, which would be secured by condition. The hours in which the crushing of materials can occur would be controlled to further protect residential amenity. On this basis, the development is considered acceptable in terms of its potential noise and dust emissions.

Conclusion

The principle of the use of the wider site for waste management purposes is established following the historic development of the site. The proposed development would slightly increase the physical size of this site onto a greenfield site, providing additional inert recycling capacity to the applicant to replace capacity lost elsewhere in the County. Both the need for the development and the location accord with planning policy.

Although a new building would be introduced to the area, it would be sited adjacent to the existing MRF and be contained within the site without a significant impact on the visual amenities of surrounding sensitive receptors. Landscaping of the boundaries would help assimilate the structure and use into the wider surroundings.

The proposal would result in an additional 12 HGV movements per day (on average) that can be accommodated without any unacceptable impact upon highway capacity or road safety.

The proposal has the potential to give rise to some negative impact upon the amenity of residents, in particular those in close proximity to the site. However, the processing operations would be enclosed within the building as to secure a negligible increase in noise levels. Given the identified market need, suitability of the site, and location away from sensitive receptors, on balance and subject to conditions, it is considered that the development is acceptable.

In considering the application, the County Council has, through consultation with the appropriate statutory bodies and having regard to the Development Plan and all other material considerations, considered the objectives of protection of human health and the environment and self-sufficiency and proximity as required by Article 18 of the Waste (England and Wales) Regulations 2011.

Recommendation

It is recommended that planning permission be granted subject to:

- (a) the conditions and informatives set out in Appendix 1;
- (b) the applicant entering into a legal agreement under section 106 and s106A of the Town and Country Planning Act 1990 ('the Act') to maintain agreed routing of traffic to/from the south, avoiding Yapton village.

1. Introduction

- 1.1 This report concerns a planning application to construct an additional materials recycling building at an existing waste management site at Northwood Farm, Yapton. The proposal seeks to regularise the use of the existing materials recycling facility, alter the layout and boundary arrangement, and redesign the access to the adjoining private track.

2 Site and Description

- 2.1 The application site is an existing waste site at Northwood Farm on the southern side of Burndell Road in Yapton (see **Appendix 2 – Site Location**), together with an area of land to the south onto which it is proposed to expand.

- 2.2 The site is operated as a Materials Recovery Facility (MRF) processing skip waste in a large building and in the associated yard area, as approved under planning permission WSCC/014/09/CM. Although the rear third of the building was to be retained for agricultural use under the permission, it has been incorporated into the waste operation. Furthermore, the adjoining land to the south has already been sealed and used for site parking. It should be noted that the retrospective nature of these elements is not a material consideration in determining this application.
- 2.3 The application site, including the access road linking east with Burndell Road, covers an area of 1.33 hectares (see **Appendix 3 – Application Boundary**). The site is in the parish of Clymping, but borders both Yapton and Ford parishes.
- 2.4 The existing MRF includes the main reclamation building in the centre of the site, with a material bay, weighbridge and office to the south of the building, a skip storage area along the western boundary, and a storage building to the north. The site is sealed in its entirety, and separated from the land to the north and south by close-boarded fencing and a chain-link fence respectively (see **Appendix 4 – Existing Site Layout**).
- 2.5 The site is accessed via a 265m long private track that extends from the southern side of Burndell Road. The track will also be used to access a concrete batching plant, some 100m south of the application site, for which Arun District Council has recently granted permission (ADC ref. CM/6/18/PL).
- 2.6 There is a large agricultural building immediately next to the site to the north-west, beyond which are several other smaller farm buildings.
- 2.7 The closest residential properties to the site are on Burndell Road some 120m to the west and north-west of the application site. The wider locality includes residential properties some 180m to the north-east on Rollaston Park (beyond a caravan storage yard on Burndell Road), residential properties on Cinders Lane across fields to the west, and the Ford Rifle Range directly to the south east of the site. Beyond and surrounding this, the land is primarily agricultural and enclosed with hedgerows.
- 2.8 The wider area includes a number of industrial and business parks including Ford Airfield Industrial Estate some 500 metres to the north-east and Rudford Industrial Estate approximately 1km to the east.
- 2.9 The site is not within an area subject to any ecological, landscape or other constraints, nor in a groundwater source protection zone.

3 Relevant Planning History

- 3.1 Planning permission was first granted in 2007 to change the use of the site from an agricultural engineer/service centre to a recycling yard for scrap tyres (ref. CM/22/06). The yearly throughput was limited to 5,000 tonnes per annum (tpa) of scrap tyres and 1,500tpa of waste cardboard.
- 3.2 This was amended in 2008 to allow the processing of 1,000tpa of plastics, 1,000tpa of paper and an increase in cardboard processing to 2,500tpa, a total

site throughput of 9,500tpa, though no more than 100 tonnes could be stored on site at any one time.

- 3.3 In June 2010, planning permission WSCC/014/09/CM was granted by the County Council for the construction of a MRF and associated yard area, stockpile area and weighbridge/office. This structure was permitted to handle a maximum throughput of 15,500tpa of construction and demolition/skip waste on top of the 9,500tpa that was currently permitted at the site, a total throughput of 25,000tpa. As part of the permission, the north-eastern third of this building was to be used for agricultural purposes.
- 3.4 This permission is subject to a S106 legal agreement that controls the routing of HGV movements related to the permitted waste treatment facility. It also secured the provision of a landscaping scheme outside the site.
- 3.5 This permission forms the 'fallback' against which the present application must be assessed.
- 3.6 Permission for the new material recycling building was sought earlier this year (2019) under WSCC/002/19/CM. The application included alterations to the site outside of the currently proposed development boundary and a different arrangement of uses on the site. Following discussions with officers, the application was withdrawn so that it could be resubmitted to regularise the whole site.

4 The Proposal

- 4.1 The applicant is seeking planning permission to construct an additional materials recycling building; to regularise the use of the existing materials recycling facility; to alter the boundary arrangement and layout of the application site; and to redesign the access along its north-eastern boundary (see **Appendix 5 - Proposed Site Layout**). As already noted, the principle of the site's use as a waste site with a 25,000tpa throughput has been accepted in the grant of the extant permission.
- 4.2 The proposed materials recycling building would be used to process (screen and crush) up to 50,000 tonnes of inert waste. 35,000tpa would be imported to the site via six HGV deliveries per day (on average), with the remainder (15,000tpa) supplied from the existing MRF building. The remaining 10,000tpa of permitted throughput on the site will be managed as per the existing arrangement, and the total site throughput would therefore be 60,000tpa.
- 4.3 The physical development proposed on the site comprises the following:
 - Construction of a building measuring 43m long by 35m wide and 12m in height (see **Appendix 6 - Proposed Elevations** and **Appendix 7 - Proposed Cross Section**). The building would store and process inert waste that has been imported directly or prior treated by the existing material recycling building and produce secondary aggregates. This structure would be accompanied by an external water tank.
 - The alteration of the layout of the site to include a new access to the proposed MRF building, a total of 22 parking spaces, the removal of the existing material storage area to allow for the creation of an internal access

between structures, and the replacement of the existing bund around the site with a mixture of planting and fencing.

- The relocation of the junction of the existing track along the north-eastern site boundary.

4.4 The existing MRF building would be retained and would continue to be used to sort 25,000tpa of skip and demolition/construction waste for onward delivery. The waste managed includes: soils, concrete/bricks, wood, metals, plasterboard, plastic tyres, and glass.

Hours of Operation

4.5 The proposed hours of operation would be 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday as per the existing arrangement. The site would not be operational on Sunday or on public/bank holidays.

4.6 At present, HGVs are permitted to access the site between 08:00 to 18.00 weekdays and 08.00-13.00 Saturdays. The applicant is seeking to amend this to allow vehicles to leave the site from 07:00 Monday to Friday.

HGV Movements

4.7 The applicant states that the use would result in, on average, an additional six HGVs travelling to/from the site each day (12 HGV movements/day). This would be in addition to existing HGV numbers that are unrestricted but, on average, 13 skip lorries and three articulated lorries visit the site each day (16 HGVs travelling to/from the site; that is, 32 existing HGV movements/day). In total, therefore, the increased use of the site would result in, on average, 22 HGVs travelling to/from the site (an average of 44 HGV movements/day).

Lorry Routing

4.8 The existing S106 agreement, which requires lorries to enter from the south-east via Burndell Road and to exit in the same direction, would be updated to refer to the new permission via an agreed deed of variation.

5 Environmental Impact Assessment (EIA)

5.1 The development falls within Part 11(b) of Schedule 2 to the EIA Regulations as it relates to an 'installation for the disposal of waste', and a development area of more than 0.5 hectare. It could also be considered to fall within Part 13(b) of Schedule 2, which relates to changes to or extensions of EIA development where that development is already authorised or executed.

5.2 The County Council issued an EIA Screening Opinion for the present proposal on 28 May 2019. Taking into account the criteria contained in Schedule 3 of the EIA Regulations 2017, it was considered that the proposal would not be likely to result in significant environmental effects within the meaning of the EIA Regulations 2017 and, therefore, an EIA is not required.

6 Policy

Statutory Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise (as confirmed in paragraph 47 of the National Planning Policy Framework - NPPF). For the purposes of the application, the following documents form the statutory development plan: the West Sussex Waste Local Plan (2014), the Arun Local Plan 2011-2031 (July 2018), and the Clymping Parish Neighbourhood Plan (2015-2030).
- 6.2 The key policies in the development plan, which are material to the determination of the application, are summarised below. In addition, reference is made to relevant emerging policy and guidance, and national planning policy that guides the decision-making process and which is material to the determination of the application.

West Sussex Waste Local Plan (WLP - 2014)

- 6.3 Policy W1 relates to the need for waste facilities with (c), stating that facilities for recycling inert waste will be permitted where a market need can be demonstrated; consistent with the principle of net self-sufficiency.
- 6.4 Policy W2 safeguards existing waste sites, such as the application site.
- 6.5 Policy W3 sets out criteria for the location of Built Waste Management Facilities for the transfer, recycling, and recovery of waste, including extensions to existing facilities. Sites within the Areas of Search, as with the application site, are supported where it can be demonstrated the use cannot be delivered on existing or allocated sites, in which case they must:

"(i) be located within built-up areas, or on suitable previously developed land outside built-up areas; or

(ii) be located on a site in agricultural use where it involves the treatment of waste for reuse within that unit; or

(iii) only be located on a greenfield site, if it can be demonstrated that no suitable alternative sites are available; and

(iv) where transportation by rail or water is not practicable or viable, be well related to the Lorry Route Network; large-scale facilities must have good access to the Strategic Lorry Route."

- 6.6 In addition:

"(c) Proposals for new facilities within the boundaries of existing waste management sites to enable the transfer, recycling, and recovery of waste, will be permitted unless:

(i) the current use is temporary and the site is unsuitable for continued waste use; or

(ii) continued use of the site for waste management purposes would be unacceptable in terms of its impact on local communities and/or the environment."

- 6.7 Policy W4 relates to inert waste recycling, which is supported provided they are located in accordance with Policy W3; or can be accommodated on temporary landfill/mineral workings.
- 6.8 Policies W11 – W20 relate to development management and are designed to ensure that there would be no unacceptable harm to amenity, character, and the environment or to other material considerations from waste development proposals. Of particular relevance to the proposals are: Character (Policy W11), High Quality Development (Policy W12), Air, Soil and Water (Policy W16), Flooding (Policy W17), Transport (Policy W18), Public Health and Amenity (Policy W19) and Cumulative Impact (Policy W21).

Arun District Local Plan 2011-2031 (July 2018)

- 6.9 Policy C SP1 – Countryside. The site is outside the built-up area boundary so is considered to be in the countryside, with clause (a) of this policy stating *development will be permitted in the countryside where it is for the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan.*
- 6.10 Policy H SP1 identifies a number of strategic sites to deliver new homes during the plan period. The application site is located within a significant proximity to housing allocations at Yapton (SD7, 400 new homes), Ford (SD8, 1,500 new homes) and Clymping (SD10, 300 new homes).
- 6.11 Policy T SP1 – Transport and Development. In summary, development should ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles. The Council will ensure that development provides safe access on to the highway network and contributes to highway improvements and promotes sustainable transport.
- 6.12 Policy WM DM1- Waste Management. Includes a general presumption against any development which may harm or prejudice the operation of existing and allocated waste facilities and infrastructure.
- 6.13 In addition to the above, the following policies are of relevance to the proposed development: Adapting to climate change (Policy ECC SP1), Sites of Archaeological Interest (Policy HER DM6), Flood Risk (Policy W DM2) Noise Pollution (Policy QE DM1), Light Pollution (Policy QE DM2), Air Pollution (Policy QE DM3), Quality of the Environment (Policy QE SP1).

Clymping Neighbourhood Plan 2015-2030 (October 2015)

- 6.14 The Clymping Neighbourhood Plan was 'made' on the 15 October 2015, and was passed by referendum on 3 December 2015.
- 6.15 Of particular relevance to the proposal are policies CPN4 (Protection of Existing Commercial Premises or Land); CPN 7 (Protection of Open Views); CPN 10 (Protection of High Grade Agricultural Land); CPN 11 (Quality of Design); CPN 12 (Reducing the Risk of Flooding); CPN 14 (Traffic and Environment).

Ford Neighbourhood Plan

- 6.16 The Ford Neighbourhood Development Plan was 'made' on 9 January 2019, following a referendum in support of its implementation.
- 6.17 Of particular relevance to the proposals are policies SP1 (Spatial Plan for the Parish); SA2 (Burndell Road); EH4 (Surface Water Management); EH5 (Grade 1, 2 and 3a Agricultural Land); and EE1 (Employment and Enterprise).

National Planning Policy Framework (2019)

- 6.18 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications. It also helps to guide decision-makers as to what matters are material to the decision-making process.
- 6.19 Paragraph 8 sets out the three key roles of the planning system; economic, social and environmental. The supporting text highlights the importance of providing infrastructure to support growth.
- 6.20 The paragraphs of the NPPF of key relevance to this application are: 8 (roles of the planning system), 11 (presumption in favour of sustainable development), 47 (determining applications in accordance with the development plan), 102 (consideration of transport issues), 108-109 (unacceptable impact on the road safety or a severe impact on the road network), 117 (promoting effective use of land to meet the need for homes), 127-132 (achieving well-designed places in decision making), 163 (ensuring flood risk is not increased elsewhere), 170 (conserving and enhancing the natural environment), 175 (protection and enhancement of biodiversity and geodiversity), 178 (avoiding pollution and contamination), 180 (minimising impacts of noise), and 203-205 (Facilitating the Sustainable use of Minerals)

National Planning Practice Guidance (PPG).

- 6.21 The PPG is a web-based resource that sets out Government's planning guidance to be read in conjunction with the NPPF. PPG does not form part of the development plan but is a material consideration in determining planning applications. PPG was published on 6 March 2014 and contains guidance on a range of planning matters, which are independently updated as necessary. The most relevant sections of the PPG to this application are: Air Quality (updated 06/03/2014), Noise (updated 06/03/2014), Travel plans, transport assessments and statements in decision-taking (updated 06/03/2014).

National Planning Policy for Waste (2014)

- 6.22 Paragraph 7 of the National Planning Policy for Waste (NPPW) relates to determining waste planning applications. In summary sections of key relevance to this application
- Consider the likely impact on the local environment and amenity against the locational criteria set out in Appendix B (see below); and
 - Ensure that facilities are well-designed, contributing positively to the character and quality of the area; and

- Concern themselves with implementing the strategy in the Local Plan and not control of processes which are a matter for pollution control authorities, on the assumption that such regimes are properly applied and enforced.

Appendix B to the NPPW sets out locational criteria for testing the suitability of sites, namely the protection of water quality and resources and flood risk management; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions including dust; odours; vermin and birds; noise, light and vibration; litter; and potential land conflict.

EU Council Directive 2008/98/EC

- 6.23 By virtue of the Waste (England and Wales) Regulations 2011 when determining any application for planning permission that relates to waste management (article 18) the planning authority is required to take into account EU Council Directive 2008/98/EC which sets out the objectives of the protection of human health and the environment (article 13) and self-sufficiency and proximity (first paragraph of article 16(1), article 16(2) and (3)). Case law has confirmed that these articles are objectives at which to aim. As objectives they must be kept in mind whilst assessing the application and provided this is done, any decision in which the furtherance of the objectives are not achieved, may stand.

7 Consultations

- 7.1 ***Arun District Council - Planning:*** No objection subject to conditions suggested by Environmental Health Officers.
- 7.2 ***Arun District Council - Environmental Health:*** No objection subject to conditions requiring: details of dust mitigation measures; construction limited to between 0800 to 18:00 (weekday) and 08:00 to 13:00 (Saturday) with no noisy operations on Sunday or national holidays, and a Noise Impact Assessment.
- 7.3 ***Clymping Parish Council:*** Objection due to: site not being allocated for waste use, being outside the built-up boundary, and contrary to Clymping Neighbourhood Plan Policy CPN4 (protection of existing commercial premises or land); detrimental to the amenity of residents through the noise, dust and traffic applicant has not demonstrated that the facility could be accompanied in other locations nearby.
- 7.4 ***Yapton Parish Council:*** Objection. Would be a departure from Clymping Neighborhood Plan and the Arun Local Plan as site is outside Built-Up Area boundary and on agricultural land; not allocated in Waste Local Plan; concerns over safety and traffic congestion; lack of demonstration of market need or alternative locations being considered. Noise and dust emissions are of serious concern and should be attenuated through conditions if approved.
- 7.5 ***Environment Agency:*** No objection. Development may require an Environmental Permit.
- 7.6 ***WSSC Archaeology:*** No objection subject to a condition to secure archaeological mitigation measures through a Written Scheme of Investigation for archaeological investigation, recording and reporting.

- 7.7 **WSSC Ecology:** No ecological objection.
- 7.8 **WSSC Drainage and Flooding:** More information required as the site is within a surface flood risk zone 1. A Flood Risk Assessment for the entire site should be submitted (to be updated verbally).
- 7.9 **WSSC Highways:** No objection. Not considered to have a 'severe' impact on the operation of the highway network, therefore it is not contrary to the National Planning Policy Framework (para 108), and that there are no transport grounds to resist the proposal.
- 7.10 **WSSC Tree Officer:** No objection subject to appropriately worded landscaping condition detailing site preparation, dimensions of proposed planting, planting areas and size, species, planting spacing, planting method surface mulching, any soil amelioration / improvement, plant protection and provision for on-going maintenance to ensure successful establishment.
- 7.11 **WSSC Public Rights of Way:** No objection.
- 7.12 **WSSC Councillor Jacky Pendleton:** Objection due to concerns over dust emissions. Conditions proposed should permission be granted, namely: limiting noise levels to 34dBA; acoustic screening of plant; acoustic insulation of building; tree planting to minimise noise and dust; filtered air extraction; no open exit route from plant to outdoors; and use of airlock system.

8 Representations

- 8.1 The application was publicised in accordance with The Town and Country Planning (General Development Procedure) (England) Order 2015. Two site notices were erected around the application site; one outside the facility and the other on the entrance to the site at Burndell Road. An advertisement was placed in the local newspaper and neighbour notification letters sent to properties in the immediate vicinity of the application site, as well as those who had previously commented on the withdrawn application WSSC/002/19/CM.
- 8.2 In response, 166 representations have been received – 164 of which object to the proposal, and two that provide comments rather than objection/support.
- 8.3 No representations in support of the application have been received.
- 8.4 The main issues raised in objection relate to:
- Health impacts as a result of noise and dust emissions from the site and vehicles;
 - Amenity impacts as a result of noise and dust emissions;
 - The appearance of the structure within the countryside location;
 - Highways congestion along Burndell Road;
 - Loss of greenspace/agricultural land;
 - Highway safety concerns;
 - Devaluation of house prices; and,
 - Precedent set for more waste developments on agricultural land.

9 **Consideration of Key Issues**

- 9.1 The main material planning considerations are whether the proposal:
- meets an identified need;
 - is suitably located;
 - has an acceptable impact on the landscape and visual amenity;
 - has an acceptable impact on highway capacity and road safety; and
 - has an acceptable impact on residential amenity.

Need for the Development

- 9.2 The application site is not allocated for waste management uses. Therefore, in accordance with Policy W1 of the WLP, it is necessary to determine whether there is an identified need for the additional waste capacity that it would provide.
- 9.3 The applicant has submitted a Market Appraisal that justifies the need for the proposed MRF as a replacement for an inert management facility that the company used to operate from Portfield Quarry, Chichester, which has been redeveloped. Therefore, it would replace some of the existing capacity that has been lost, rather than the creation of new capacity.
- 9.4 This is backed up by the Annual Monitoring Report for the WLP, which identifies that there has been a decrease in inert waste recycling throughout the County by some 241,875 tonnes, with the Portfield Quarry site identified as having had a 250,000tpa throughout.
- 9.5 *Therefore, the proposal is considered to meet an identified need for inert waste recycling capacity because it will replace some of the capacity lost due to the closure of the facility at Portfield Quarry, in accordance with Policy W1 of the WLP.*

Site Location

- 9.6 With regard to the location of the site, Policy W3 of the WLP requires that within areas of search, sites must:
- "(i) be located within built-up areas, or on suitable previously developed land outside built-up areas; or*
 - (ii) be located on a site in agricultural use where it involves the treatment of waste for reuse within that unit; or*
 - (iii) only be located on a greenfield site, if it can be demonstrated that no suitable alternative sites are available; and*
 - (iv) where transportation by rail or water is not practicable or viable, be well related to the Lorry Route Network; large-scale facilities must have good access to the Strategic Lorry Route."*
- 9.7 In this case, the site is beyond the defined built-up area but on land that is, in the main, previously-developed. Although a small area of greenfield land would be used, it has been severed from the surrounding countryside by the waste site

to the north and access road to the south. It is not, therefore, considered that it could be realistically be used for agricultural purposes. The site is well-related to the Lorry Route Network, namely the A259, which is some 1.3km from the site.

- 9.8 Further, it would not be practical to deliver the use on an allocated waste site as the only one remaining undeveloped is at Goddards Green near Burgess Hill, a significant distance away. The use of the site is, therefore, considered to accord with Policy W3 of the WLP.
- 9.9 The main benefit of the location is that the proposed material recycling building would be situated adjacent to the existing MRF. The extension to the site would receive processed waste from the existing MRF facility and make use of the office area and weighbridge on site. This combination of facilities would reduce the amount of haulage required between facilities in the County, thereby reducing pressure on the highway network and transport-related emissions. Further, it is considered that the intrusion into the 'open countryside', as defined in the Arun Local Plan (2018) would be relatively small in the context of the large existing waste site that it would adjoin.
- 9.10 *It is considered, therefore, that the location of the development is acceptable, and accords with planning policy. Although the proposal would extend development into land identified as being open countryside, it would be a relatively small intrusion, immediately adjacent to an existing waste site and on land severed from the surrounding agricultural land.*

Landscape and Visual Amenity

- 9.11 There is the potential for the new building, in particular, to have a significant visual impact, and impact on the landscape. The structure would be of considerable height and mass, standing 4m taller and with a 50% larger footprint than the existing MRF building.
- 9.12 However, the proposed building would be sited to sit flush with the front and rear of the existing building so that it would appear as a relatable extension to the existing facility. Although it would be within the countryside, as defined in the Arun Local Plan (2018), it would be alongside existing buildings, including those in agricultural use, and would be set back from the road. Therefore, it would have a limited impact on the street scene.
- 9.13 The applicant has proposed a planting scheme and fencing around the application site to replace the existing bund, which would soften the appearance of the structure within its countryside location.
- 9.14 The closest neighbouring residents are some 120m to the north, beyond the existing agricultural complex, and some 180m to the north-east, beyond the Caravan Park and Burndell Road. Given the distance and various structures between the application site and these receptors, it is considered that the building would not be an obtrusive structure or otherwise have a significant visual impact.
- 9.15 Potential views of the structure from public vantage points are limited and would mainly be those travelling along Burndell Road and those at a bus stop opposite

the site entrance. However, views into the site would be at a distance of some 165m and would be transient in nature; therefore, the visual impact would be minimal.

- 9.16 A Public Right of Way (PROW) runs through the countryside to the west of the application site, some 400m away. Given this distance, the proposed structure would not appear prominent within the landscape when viewed from this direction.
- 9.17 It is, therefore, considered that the proposed material recycling building would not have an unacceptable level of visual amenity or the landscape.
- 9.18 The alteration to the access track serving the agricultural buildings to the north would slightly encroach upon the agricultural land to the north-east of the application site. However, this encroachment is considered to be minimal and would not result in the loss of significant levels of agricultural land, nor would it appear incongruent to the landscape (because the development would be at ground level).
- 9.19 Other proposed changes would be well-contained within the site and be obscured from public viewpoints. A condition is proposed requiring that details of any lighting to be installed are approved by the County Council prior to commencement.
- 9.20 *The proposed materials recycling building has the potential for impact upon the surrounding landscape and the visual amenity of surrounding residents and visitors. However, given the siting of the structure among industrial buildings of a similar scale, and its distance from surrounding dwellings and public viewing points, it is not considered it would have an unacceptable impact on the visual amenity of the surrounding area or the wider landscape. Other features proposed on the site would be small in scale, with limited impact beyond the site.*

Highway Capacity and Road Safety

- 9.21 The proposed development involves an increased number of vehicles accessing the site from Burndell Road, from where, in accordance with the legal agreement for the site, they would travel south-east to join the A259. This would be secured via a s106 planning obligation.
- 9.22 The proposed increase in throughput would, on average, be an additional six HGVs travelling to/from the site (12 HGV movements/day). The existing throughput is estimated to result in an average of 16 HGVs/day (32 HGV movements/day). Therefore, the overall total would be 22 HGVs/day (44 HGV movements/day).
- 9.23 The potential for the proposal to be detrimental to traffic along Burndell Road has been mentioned in a number of public representations in objection to the proposal.
- 9.24 Sightlines along Burdell/Yapton Road from the existing private road entry point are considered acceptable and there have been no recorded accidents on this junction within the last three years. Therefore, as confirmed by WSCC

Highways, it is considered that there is no evidence to suggest that the access or local highway network are operating unsafely. Further, the relocation of the inert processing site next door to the existing facility would combine waste movements to reduce overall vehicle movements on the network.

- 9.25 The cumulative impact of the site operating alongside multiple construction works on developments along and around Burndell Road is raised in letters of representation. However, it is considered that these works would be temporary and HGV movements would reduce once the developments are complete.
- 9.26 Overall, it is not considered that the development would result in an unacceptable impact on highway safety or that the residual cumulative impacts on the road network are severe. The development is, therefore, considered to accord with paragraph 109 of the NPPF and to be acceptable in terms of its impact on the highway network.
- 9.27 *The proposed development would increase the average number of HGVs travelling to/from the site each day by six (12 HGV movements/day), so the overall number of HGVs travelling to/from the site would, on average, be 22 (44 HGV movements/day). It is not considered that this increase would result in a 'severe' residual impact on the highway network or an unacceptable impact on highway safety. Furthermore, the relocation of the inert processing site would reduce overall vehicle movements on the network.*

Residential Amenity

- 9.28 The applicant is seeking to process (crush and screen) inert waste, alongside existing waste management operations. Therefore, the proposed development has the potential to be detrimental to residential amenity and health, particularly in terms of noise and dust impacts, as has been raised in representations.
- 9.29 As previously noted, the site is, at closest, some 120m east of residential properties, with other properties to the north-east. The prevailing wind in the area is from the south-west, so the properties most likely to be affected by dust and/or noise are on Rollaston Park, across Burndell Road from the site.
- 9.30 The County Council is not aware of any complaints relating to the existing site operations. As with the existing site, the expanded site would be subject to an Environmental Permit regulated by the Environment Agency.

Dust

- 9.31 It is noted that the crushing of inert waste is already undertaken at the existing MRF, subject to a condition requiring doors to be closed when the operations take place. The site is also subject to an Environmental Permit, which requires that dust does not leave the site.
- 9.32 With the present application, the primary control over dust emissions would be the containment of processing operations within a building. It is considered that this will have significant benefits in ensuring that dust does not leave the site.
- 9.33 Further, the applicant has stated that they would aim to prevent dust from

being released into the environment by housing the plant within an enclosed and treated building; ensuring that all access doors remain closed during crushing operations; and implementing a dust suppression system to collect airborne particulates safely within the building.

- 9.34 It is considered that these measures, along with boundary planting, could be secured by a condition requiring a Dust Management Scheme, the implementation of which would help to minimise the amount of dust escaping from the site. It is considered that, subject to the imposition of such a condition, the scheme is acceptable in relation to dust emissions as confirmed by Arun District's Environmental Health Officer.

Noise

- 9.35 The applicant has proposed measures to mitigate the emission of sound from the site including, on the new building, roof cladding and insulated walls, sound absorptive roof and wall lining, and the closure of the northern door during crushing operations. Operational practices are also proposed including imposing speed limits for vehicles around the site, proper maintenance of the access road, and the use of white noise alarms. An acoustic barrier would be installed along the north-eastern site boundary. It is proposed that full details of these mitigation measures would be secured through the imposition of a condition requiring a Noise Management Plan.
- 9.36 A Noise Assessment Report submitted with the application confirms that with the introduction of the above measures, the crushing operation, when undertaken alongside existing site activities, would increase the perceived background noise in the closest residential properties by only 1dB L_{Aeq} on average, which would have no discernible impact.
- 9.37 In order to minimise the noise impact of the development on residential amenity and the local area, a condition is proposed to limit the crushing of inert materials to between 10.00am and 4.00pm on weekdays, with no crushing operations on Saturdays, Sundays or bank holidays.
- 9.38 Although new residential areas have been allocated on the opposite side of Burndell Road, they would be more distant than existing properties, and not in direct line of the prevailing south-westerly wind. Therefore, the potential impact would not be as significant.
- 9.39 Although concerns have been raised about potential impacts during the construction period, they would be temporary and it is considered these can be addressed through the imposition of conditions restricting the hours of construction.
- 9.40 It is not considered that the increase in HGV numbers would result in a significant impact on either air quality or noise for residential properties, particularly as traffic would be routed south to avoid the main residential areas.
- 9.41 On the basis of the above, and subject to controls through the imposition of conditions, the scheme is considered to be acceptable in terms of impact on residential amenity.

9.42 *The scheme has the potential to result in impacts on residential amenity, primarily through the emissions of dust and noise. Dust emissions would be controlled primarily by enclosing operations within the building, and through operational controls such as the closing of doors during crushing, and the use of a dust suppression system, to be secured through the imposition of a condition requiring a dust suppression scheme. It is considered that these measures, along with the controls through the Environmental Permit, would ensure that the dust is contained within the site. Noise levels for the closest affected properties would increase by only 1dB on average and so would not be perceptible. This is subject to the implementation of attenuation measures included within the design of the material recycling facility, the site layout and boundary treatment, which would be secured by condition. The hours in which the crushing of materials can occur would be controlled to further protect residential amenity. On this basis, the development is considered acceptable in terms of its potential noise and dust emissions.*

Other material considerations

9.43 At the time of writing, the applicant is preparing a Flood Risk Assessment for the application site following the request from WSCC Flooding and Drainage. At this stage, it is considered that the risk of surface water flooding on the site is low' given the extant use of the site and the 0.3ha of area to be developed (i.e. in this context, made impermeable where it is currently permeable). It is, therefore, considered that any issues raised will be sufficiently dealt with by condition, if required.

9.44 The application site is located within a heavily settled prehistoric landscape known to contain significant examples of archaeology dating back 5000 years. As per recommendation from the WSCC Archaeologist, a condition securing archaeological mitigation measures through a Written Scheme of Investigation for archaeological investigation, recording and reporting should be attached, subject to approval.

10 Overall Conclusion and Recommendation

10.1 The principle of the use of the wider site for waste management purposes is established following the historic development of the site. The proposed development would slightly increase the physical size of this site onto a greenfield, providing additional inert recycling capacity to replace capacity lost elsewhere in the County. Both the need for the development and the location accord with planning policy.

10.2 Although a new building would be introduced to the area, it would be sited adjacent to the existing MRF and be contained within the site without a significant impact on the visual amenities of surrounding sensitive receptors. Landscaping of the boundaries would help assimilate the structure and use into the wider surroundings.

10.3 The proposal would result in an additional 12 HGV movements per day (on average) that can be accommodated without any unacceptable impact upon highway capacity or road safety.

10.4 The proposal has the potential to give rise to some negative impact upon the amenity of residents, in particular those in close proximity to the site. However,

the processing operations would be enclosed within the building and the increase in noise levels would be negligible. Given the identified market need, suitability of the site, and location away from sensitive receptors, it is considered that, on balance and subject to conditions, the development is acceptable.

- 10.5 In considering the application, the County Council has, through consultation with the appropriate statutory bodies and having regard to the Development Plan and all other material considerations, considered the objectives of protection of human health and the environment and self-sufficiency and proximity as required by Article 18 of the Waste (England and Wales) Regulations 2011.
- 10.6 It is **recommended**, therefore, that planning permission be granted subject to:
- (a) the conditions and informatives set out in Appendix 1; and
 - (b) the applicant entering into a legal agreement under section 106 and s106A of the Town and Country Planning Act 1990 to maintain agreed routing of traffic to/from the south, avoiding Yapton village.

11 **Equality Duty**

- 11.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act 2010. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

12 **Risk Management Implications**

- 12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

13 **Crime and Disorder Act Implications**

- 13.1 This decision has no implications in relation to crime and disorder.

14 **Human Rights Act Implications**

- 14.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 14.2 For an interference with these rights to be justifiable the interference (and the

means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

- 14.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington
Head of Planning Services

Background Papers

As set out in Section 6.

List of Appendices

Appendix 1 – Conditions and Informatives
Appendix 2 – Site Location
Appendix 3 – Application Boundary
Appendix 4 – Existing Site Layout
Appendix 5 – Proposed Site Layout
Appendix 6 – Proposed Elevations
Appendix 7 – Proposed Cross Section

Contact: Edward Anderson, tel: 28879

Appendix 1: Conditions and Informatives

GENERAL

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The proposed development shall not take place other than in accordance with the approved plans:
 - Proposed Site Layout (Drawing No. 9150/151, Rev B)
 - Application Boundary (Drawing No. 9150/152, Rev B)
 - Proposed Site Arrangement (Drawing No. 9150/100, Rev B)
 - Floor Plan and Section (Drawing No. 9150/101, Rev B)
 - Proposed Elevations (Drawing No. 9150/102, Rev B)

and supporting information, save as varied by the conditions hereafter.

Reason: To secure a satisfactory development.

PRIOR TO COMMENCEMENT OF DEVELOPMENT

Surface Water Disposal

3. Prior to the commencement of the development a surface water drainage scheme, including the provision and implementation of a surface water regulation system, shall be submitted to and approved in advance and in writing by the County Planning Authority. The scheme shall include:
 - Design for 1:100 year return period;
 - Inclusion of 30% peak run-off and 20% additional volume for climate change;
 - Infiltration rates and groundwater levels shall be determined by site investigation and/or testing during the winter period.
 - Inclusion of a suitable freeboard above the seasonal high groundwater table (minimum 1m unless otherwise agreed by the County Planning Authority).
 - Consideration of overland flows (pluvial impact).
 - Inclusion of pollution/siltation control measures.
 - Details of how the drainage will be maintained throughout the operation of the development.

Thereafter, the surface water drainage details shall be implemented in full as approved and maintained throughout the operation of the development hereby permitted.

Reason: To accord with paragraphs 163 and 165 of the NPPF (2019) to ensure that impacts through flooding and pollution are not caused.

Archaeological Written Scheme of Investigation

4. No development shall be carried out (including any earthworks) within the site

until a Written Scheme of Investigation for a programme of archaeological work has been submitted to and approved by the County Planning Authority. The scheme should include provision for field survey recording the analysis reporting publishing and archiving of the results. Once approved the scheme of archaeological work shall be implemented in full in accordance with a timetable to be agreed within the scheme.

Reason: In order to enable the recording of heritage assets of archaeological interest.

Dust Suppression Scheme

5. Prior to the commencement of this development, a Dust Suppression Scheme shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the approved scheme shall be implemented in full and maintained throughout the operation of the development approved.

Reason: In the interests of the amenity of local residents, and the environment.

Wheel Cleaning Scheme

6. Prior to the commencement of the development hereby permitted, a scheme shall be submitted to the County Planning Authority for written approval detailing the measures to ensure that no vehicle shall leave the site in such a condition that earth, mud and debris adhere to the wheels in a quantity which may introduce hazard or nuisance on the highway, and actions to be taken in the event of earth, mud or debris arising from the development being present on the highway. Thereafter, the approved scheme shall be implemented in full and maintained throughout the approved operation.

Reason: to prevent mud or debris from entering the public highway, in the interests of highway safety.

Planting Scheme

7. Prior to the commencement of the development hereby approved, details of the number, size, spacing and species of shrubs and trees to be planted around the site shall be submitted for the approval of the County Planning Authority. In addition all trees and hedgerows on the land shall be indicated including details of those to be retained, together with measures for their protection in the course of the development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the beginning of construction of the building. Any trees or plants which within a period of five years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others or similar size and species, unless the County Planning Authority gives written consent for any variation.

Reason: To mitigate, as far as practicable, the visual impact of the development on the surrounding countryside.

Fencing Scheme

8. Prior to the commencement of development, details of fencing around the application site, including acoustic fencing, shall be submitted in writing to the

County Planning Authority for approval. The approved details shall thereafter be implemented in full and the fencing maintained for the duration of the operations hereby approved.

Reason: To minimise the visual intrusion of the development into the surrounding countryside, and to provide noise mitigation to protect the living conditions of local residents.

Noise Management Plan

9. Prior to the commencement of development, a Noise Management Plan shall be submitted to and approved in writing by the County Planning Authority, setting out measures to monitor and minimise noise and vibration arising from operations (including, but not limited to acoustic housing within the proposed building, maintenance of plant and access road, minimising drop heights, avoiding reversing, use of white noise alarms) and setting out how complaints will be responded to. Thereafter the approved Plan shall be implemented and adhered to in full throughout the life of the development.

Reason: To protect the amenities of the locality from the effects of noise

CONTROLLING CONSTRUCTION

Construction Hours

10. Unless otherwise agreed in advance and in writing by the County Planning Authority no operations associated with the construction of the development hereby permitted, including the delivery of materials, shall take place outside the hours of:
 - 8.00 am and 6.00 pm on Mondays to Fridays inclusive;
 - 8.00 am and 1.00 pm on Saturdays; and
 - not at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

PRIOR TO USE

Site Sign

11. Prior to the use of the new building, a sign, the details of which shall be submitted to and approved in advance and in writing by the County Planning Authority, shall be erected at the site exit, reminding all vehicles exiting the site to adhere to the vehicle routing agreement.

Reason: In the interests of highway safety and the amenities of the area.

CONTINUING OPERATIONAL CONDITIONS

Permitted Site Throughput

12. No more than 60,000 tonnes of waste shall be managed at the site in any 12 month period. The operator will, within seven days of a request by the County Planning Authority, provide written records detailing of the tonnages of waste

processed and the number of HGV vehicle movements to and from the site for the preceding 12 months at the site.

Reason: to minimise the impact of the development on the amenity of residents and the environment.

Hours of Operation

13. No operations associated with the development hereby permitted shall take place outside the hours of:
- 0800 and 1800 pm on Mondays to Fridays inclusive (with the exception that vehicles may leave the site from 0700);
 - 0800 and 1300 on Saturdays;
- and not at any time on Sundays, Bank or Public Holidays, unless otherwise agreed in advance and in writing by the County Planning Authority.

Reason: In the interests of residential amenity.

Hours of Crushing Operations

14. No crushing operations shall take place outside the hours of:
- 1000 and 1600 on Mondays to Fridays inclusive
- and not at any time on Saturdays, Sundays, Bank or Public Holidays, unless otherwise agreed in advance and in writing by the County Planning Authority.

Reason: In the interests of residential amenity.

Operations to be Contained Within Building

15. The tipping, shredding and/or crushing of construction/demolition waste shall not take place anywhere on the site except within the confines of the most westerly of the buildings on the Proposed Site Layout, (Drawing No. 9150/151, Rev B), and only with the doors closed.

Reason: To contain noise and dust emissions, and ensure processing is only undertaken in the acoustically-housed building, in the interests of minimising the impact on people and the environment.

Sheeting of Vehicles

16. All vehicles delivering or removing from the site wastes and/or recyclable materials shall have their loads enclosed within the vehicle or container or covered/sheeted so as to prevent spillage or loss of materials on the public highway. The condition shall be adhered to regardless of the vehicle being full or empty.

Reason: In the interests of highway safety and of the amenities of the locality.

Lighting

17. No external lighting or floodlighting shall be installed without the prior written approval of the County Planning Authority. Any that is installed with the permission of the County Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interest of residential amenity.

Decision Notice Availability

18. A copy of this decision notice together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission shall be kept on site at all times and the terms and contents thereof shall be made known to supervising staff on the site.

Reason: To ensure that the site operatives are conversant with the terms of the planning permission.

INFORMATIVES

- a) In accordance with paragraph 38 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive and creative way, and has worked proactively with the applicant by:
- Providing pre-application advice;
 - Seeking amendments early on in the application process to see if a sustainable solution can be agreed;
 - Discussing issues of concern as early as possible, including those raised by consultees and third parties;
 - Giving them the opportunity to provide further information/changes to overcome material impacts; and
 - Working with consultees

As a result, the County Planning Authority has been able to recommend the grant of planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

- b) The granting of any planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact Arun District Council Environmental Health Department. The developer should at all time employ best practical means to minimise noise disturbance to nearby residents. All construction work practises should comply with B.S. 5228 1:2009 'Code of practice for noise and vibration control on construction and open sites'.
- c) With regard to condition 9, the applicant's attention is drawn to the comments of the made under the '8.0 Outline Recommendations' section in the submitted Noise Assessment by Sharps Redmore.
- d) Please note that this development may require an Environmental Permit, a variation of an existing permit or an exemption from an Environmental Permit form the Environment Agency. The applicant must ensure that the operations at the site are in accordance with the Environmental Permitting Regulations 2008. The applicant is advised to contact the EA's National Customer contact centre on 03708 506 506.